

ENTERED

August 30, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

HACIENDA RECORDS, LP, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. 2:14-CV-19
§
RUBEN RAMOS, *et al*, §
§
Defendants. §

ORDER

Pending before the Court is Defendants/Counter-Claimants Ruben Ramos, Hugo Cesar Guerrero, and Arturo Rene Serrata’s (“Claimants”) Motion to Strike Hacienda’s Application for Attorney’s Fees and Costs, or Alternatively, to Strike the Footnotes Included in the Application and Motion for Extension of Time and Leave to Extend the Number of Pages to Respond to Hacienda’s Application for Attorney’s Fees and Costs (D.E. 220).

On July 18, 2016, the Court entered an Order allowing Plaintiffs/Counter Defendants/Cross-Defendants Hacienda Records, L.P.; Latin America Entertainment, LLC; Roland Garcia, Sr.; and Rick Garcia (“Hacienda”) to file a motion for costs and fees in this case. D.E. 205. Hacienda thereafter filed an Expedited Motion for Extension of Time and for Leave to Extend the Number of Pages for Fees and Costs. D.E. 208. The Court granted the motion and allowed Hacienda 10 additional pages (for a total of 35 pages) and 10 additional days to file its motion for costs and fees. D.E. 209. On August 11, 2016, Hacienda filed its Application for Attorney’s Fees and Costs. D.E. 212.

Claimants now move to strike Hacienda's application as exceeding the Court's page restrictions due to Hacienda's excessive use of footnotes. The Court's Amended Scheduling Order explicitly states:

Page limits may not be circumvented by font less than 12-point (13-point font or larger is preferred), margins less than one inch, or line spacing less than double (with the exception of appropriate block indents and footnotes).

D.E. 127, ¶ 11 (emphasis in original). However, Hacienda's 35-page application includes 10 pages of footnotes typed in 10-point, single spaced, font. *See* D.E. 212, pp. 4, 7, 9–16, 18, 20, 21, 23–26, 30, 31, and 34. Entire sections of Hacienda's brief—including the entire "Background Facts" Section—are comprised of nothing but footnotes. *Id.*, pp. 9–15. The text in Paragraphs 1, 34, and 42 of Hacienda's brief is also single spaced. *Id.* pp. 1, 28, 32–34.

The Court finds that Hacienda's use of footnotes and single spacing in its brief is inappropriate and a blatant attempt to circumvent the Court's page restrictions. Claimant's motion to strike (D.E. 220) is therefore **GRANTED**, and Hacienda's Application for Attorney's Fees and Costs (D.E. 212) is **STRICKEN**. Hacienda may refile a motion for attorney's fees that complies with this Court's Orders (D.E. 127, 209) no later than seven days after entry of this Order.

ORDERED this 30th day of August, 2016.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE